

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MDL No. 1456

Master File No. 01-CV-12257-PBS

Subcategory Case No. 06-11337

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In re: PHARMACEUTICAL INDUSTRY

AVERAGE WHOLESALE PRICE LITIGATION

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THIS DOCUMENT RELATES TO:

United States of America ex rel. Ven-A-Care of the

Florida Keys, Inc., et al. v. Dey, Inc., et al.,

Civil Action No. 05-11084-PBS

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CONFIDENTIAL VIDEOTAPED DEPOSITION OF

SIMON DAVID JOHN PLATT

Wednesday, March 18, 2009

9:02 a.m. to 5:13 p.m.

Held At: Foley Hoag LLP

155 Seaport Boulevard

Boston, Massachusetts 02210-2600

Reporter: Justina M. Pettinelli, RDR/CRR

1 A P P E A R A N C E S:

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12 On behalf of the Defendants

13 Dey, Inc., Dey L.P., Inc. and Dey, L.P.

14
15
16 Also Present: Rachel Shapiro, Paralegal

17 Ara Hollisian, Videographer

18 Daniel Escobar (observing)

1 fill that hole best in an absolute sense by going to
2 the wholesalers' records. Whether or not Dey could
3 do that, I have no idea, but in principle there
4 could be some elements of the calculation you
5 outline best obtained from the wholesalers' records.

6 Q. And let's define AWP for purposes of this
7 question, this next question, as the average
8 wholesale price, which is the average price paid by
9 providers to wholesalers for a particular drug.

10 Okay? Are you with me so far?

11 A. I think so, yes.

12 Q. In order to determine that average wholesale
13 price, as I've just described it, would the best
14 place to get accurate information for that is to go
15 to the wholesalers and get their data as to what on
16 average they sold to providers?

17 A. Potentially, or frankly potentially going to
18 the providers and finding out what they paid.

19 Q. Okay.

20 A. Again, we're in this -- in your hypothetical
21 world here. Recognizing from the Dey data that in
22 the aggregate Dey is selling 2.4 -- for this period

1 for these NDCs is selling \$2.4 billion worth of
2 drugs, we know from the data that a billion dollars
3 is going to other than wholesalers, presumably
4 providers. Out of the remaining 1.4 billion, that
5 is, that's going to wholesalers, from that which is
6 reported from the wholesalers back to Dey, we have
7 records accounting for, dealing with 1.3 billion of
8 that 1.4.

9 So to extend your hypothetical slightly
10 further, if Dey is responsible for that reporting
11 and based on the records it has available to it
12 without going to those third parties in some other
13 way, it can account for roughly 95 percent, can
14 understand, has insight into what providers are
15 paying for 95 percent of its sales dollars.

16 Q. But that does not tell you if there was a
17 single dollar charged on top by the wholesalers to
18 the providers that bought at contract prices that
19 they arranged with Dey?

20 A. That's correct. I'm saying those sales with
21 respect to the information that Dey would have
22 available to it.